

[Counsel listed after signature block]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE STATIC RANDOM ACCESS
MEMORY (SRAM) ANTITRUST
LITIGATION

Case No. M:07-CV-01819-CW

MDL No. 1819

**STIPULATION AND ORDER RE: CLASS
NOTICE**

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

1 WHEREAS, the Court issued an Order on December 19, 2008 regarding certain issues
2 relating to the contents of the notice of this class action to potential members of the Class; and

3 WHEREAS, all Parties to the Direct Purchaser Action (“the Parties”) have agreed to
4 the form, manner, dates, and other matters related to providing notice of this class action to
5 potential members of the Class that were not addressed by the Court’s December 19, 2008
6 Order; and

7 WHEREAS, the form of such notice is reflected in the attached Exhibit A, Notice of
8 Class Action for Mailing (“Mailed Notice”), and the attached Exhibit B, Notice of Class
9 Action for Publication (“Published Notice”); and

10 WHEREAS, each Defendant will no later than **January 22, 2009** provide Lead
11 Counsel for the Class with the best available contact information, including mail and email
12 addresses, for each direct purchaser defined by the Class, including direct purchasers from
13 each Defendant’s subsidiaries and affiliates, and such contact information will be provided in
14 an electronic format that will facilitate notice via mail and email; and

15 WHEREAS, each Defendant’s search for the best available contact information for
16 each direct purchaser will be based on a search for such purchasers who can be identified
17 “with diligent effort” (Dkt# 566 (“Certification Order”) at 14), however, each Defendant’s
18 search for email addresses for such purchasers need only include a reasonable search of its
19 sales or customer contacts databases, contact management software and similar computer
20 systems (but not a search of individual emails within such databases, contact management
21 software and similar computer systems); and

22 WHEREAS, Lead Counsel for the Class will mail and email the Mailed Notice (or
23 email a link to the Mailed Notice) to the direct purchasers identified by Defendants no later
24 than **February 6, 2009**; and

25 WHEREAS, Lead Counsel for the Class will publish the Published Notice in an
26 appropriate nationwide publication no later than **February 6, 2009**; and

27 WHEREAS, the deadline for class members to exclude themselves from the Class will
28

1 be **April 6, 2009**; and

2 WHEREAS, the deadline for class members to object to the dismissal of Toshiba
3 America, Inc. will be **April 6, 2009**; and

4 WHEREAS, Lead Counsel for the Class will submit to the Court a list of class
5 members seeking exclusion no later than **April 20, 2009**.

6 WHEREAS, Lead Counsel for the Class will submit to the Court a list of class
7 members objecting to the dismissal of Toshiba America, Inc. no later than **April 20, 2009**.

8 NOW, THEREFORE, the Parties hereby stipulate that they agree to and will perform
9 the above-identified matters related to class notice.

10 IT IS SO STIPULATED this 30th day of December, 2008.

11
12 COTCHETT, PITRE & McCARTHY

13 By: /s/ Steven N. Williams
14 Steven N. Williams

15 *Lead Counsel for the Direct Purchaser Class*

16 LATHAM & WATKINS LLP

17 By: /s/ Belinda S Lee
18 Belinda S Lee

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Toshiba America Electronic Components, Inc.,
and Toshiba America, Inc.

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By /s/ James L. McGinnis
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Attorneys for Petitioners Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Electronics Company, Ltd.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1/7/09

Dated: _____



Hon. Claudia Wilken

*United States District Judge
Northern District of California*

ATTESTATION OF FILING

Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), I, Steven N. Williams, hereby attest that concurrence in the filing of this stipulation and proposed order has been properly obtained.

COTCHETT, PITRE & MCCARTHY

By: /s/ Steven N. Williams
Steven N. Williams

Lead Counsel for the Direct Purchaser Class

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Submitted by:

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